

A CERTIFIED TRUE COPY

JAN 28 2005

ATTEST
FOR THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

JAN 12 2005

FILED
CLERK'S OFFICE

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA

2005 FEB -1 AM 11:57

DOCKET NO. 1643

LORETTA G. WHYTE
CLERK

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

**IN RE EDUCATIONAL TESTING SERVICE PLT 7-12 TEST SCORING
LITIGATION**

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO-1)

On December 16, 2004, the Panel transferred nine civil actions to the United States District Court for the Eastern District of Louisiana for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. With the consent of that court, all such actions have been assigned to the Honorable Sarah S. Vance.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the Eastern District of Louisiana and assigned to Judge Vance.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Eastern District of Louisiana for the reasons stated in the order of December 16, 2004, ___ F.Supp.2d ___ (J.P.M.L. 2004), and, with the consent of that court, assigned to the Honorable Sarah S. Vance.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Eastern District of Louisiana. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

Michael J. Beck

Michael J. Beck
Clerk of the Panel

Inasmuch as no objection is
pending at this time, the
stay is lifted.

JAN 28 2005

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

DATE OF ENTRY
FEB - 2 2005

Fee _____
Process _____
X Dktd _____
CtRmDep _____
Doc. No. 21

SCHEDULE CTO-1 - TAG ALONG ACTIONS

DOCKET NO. 1643

IN RE EDUCATIONAL TESTING SERVICE PLT 7-12 TEST SCORING LITIGATION

DISTRICT DIV. C.A.#

KENTUCKY EASTERN

KYE 7 04-359

Sarah Hash v. Educational Testing Service, Inc.

SECT. R MAG. 5

05 - 0273

KENTUCKY WESTERN

KYW 3 04-534

Joan Beckwith, et al. v. Educational Testing Service, Inc.

05 - 0274

LOUISIANA MIDDLE

LAM 3 04-574

Paul Vidrine v. Educational Testing Service, Inc.

05 - 0275

LAM 3 04-687

Damon Rachal v. Educational Testing Service, Inc.

05 - 0276

LOUISIANA WESTERN

LAW 3 04-1914

Lurlene Stratton, et al. v. Educational Testing Service, Inc.

05 - 0277

MISSISSIPPI SOUTHERN

MSS 3 04-726

Laura Bass, et al. v. Educational Testing Service, Inc.

05 - 0278

NEW JERSEY

NJ 3 04-3957

Traman LaDon Thibodeaux v. Educational Testing Services, Inc.

05 - 0279

NJ 3 04-4299

Danielle Wainwright v. Educational Testing Service, Inc.

05 - 0280

OHIO NORTHERN

OHN 1 04-1887

Sheila Dorris v. Educational Testing Service, Inc.

05 - 0281

OHN 4 04-2319

Melissa Wilthew v. Educational Testing Service, Inc.

05 - 0282

TENNESSEE MIDDLE

TNM 1 04-107

Andra M. Bullock, et al. v. Educational Testing Service, Inc.

05 - 0283

INVOLVED COUNSEL LIST (CTO-1)
DOCKET NO. 1643
IN RE EDUCATIONAL TESTING SERVICE PLT 7-12 TEST SCORING LITIGATION

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INVOLVED JUDGES LIST (CTO-1)
DOCKET NO. 1643
IN RE EDUCATIONAL TESTING SERVICES PLT 7-12 TEST SCORING LITIGATION

Hon. William H. Barbour, Jr.
U.S. District Judge
430 James O. Eastland U.S. Courthouse
245 East Capitol Street
Jackson, MS 39201

Hon. Paul R. Matia
Chief Judge, U.S. District Court
19A Carl B. Stokes U.S. Courthouse
801 West Superior Avenue East
Cleveland, OH 44113-1834

Hon. James J. Brady
U.S. District Judge
369 Russell B. Long Federal Bldg.
777 Florida Street
Baton Rouge, LA 70801-1712

Hon. David L. Bunning
U.S. District Judge
410 United States Courthouse
35 West Fifth Street
Covington, KY 41011

Hon. Stanley R. Chesler
U.S. District Judge
Clarkson S. Fisher Federal Bldg. & U.S. Crthse.
402 East State Street
Trenton, NJ 08608

Hon. Mary L. Cooper
U.S. District Judge
5000 Clarkson S. Fisher Federal Bldg.
& U.S. Courthouse
402 E. State Street
Trenton, NJ 08608

Hon. Peter C. Economus
U.S. District Judge
313 Federal Building & U.S. Courthouse
125 Market Street, Room 313
Youngstown, OH 44503

Hon. John G. Heyburn, II
Chief Judge, U.S. District Court
239 Gene Snyder U.S. Courthouse
601 West Broadway
Louisville, KY 40202

Hon. Thomas A. Higgins
Senior U.S. District Judge
A-845 U.S. Courthouse
801 Broadway
Nashville, TN 37203

Hon. Robert G. James
U.S. District Judge
U.S. District Court
P.O. Drawer 3107
Monroe, LA 71201-3107

INVOLVED CLERKS LIST (CTO-1)
DOCKET NO. 1643
IN RE EDUCATIONAL TESTING SERVICE PLT 7-12 TEST SCORING LITIGATION

Geri M. Smith, Clerk
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2-161 Carl B. Stokes U.S. Courthouse
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801 Broadway
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Pikeville, KY 41501

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402 East State Street
Trenton, NJ 08608

UNITED STATES OF AMERICA
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

CHAIRMAN:

Judge Wm Terrell Hodges
United States District Court
Middle District of Florida

MEMBERS:

Judge John F Keenan
United States District Court
Southern District of New York

Judge D Lowell Jensen
United States District Court
Northern District of California

Judge J Frederick Motz
United States District Court
District of Maryland

Judge Robert L Miller, Jr.
United States District Court
Northern District of Indiana

Judge Kathryn H Vratil
United States District Court
District of Kansas

Judge David R Hansen
United States Court of Appeals
Eighth Circuit

DIRECT REPLY TO:

Michael J Beck
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
Room G-255, North Lobby
Washington, D.C 20002

Telephone: [202] 502-2800
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<http://www.jpml.uscourts.gov>

January 28, 2005

Loretta G. Whyte, Clerk
C-151 U.S. Courthouse
500 Camp Street
New Orleans, LA 70130-3367

Re: MDL-1643 -- In re Educational Testing Service PLT 7-12 Test Scoring Litigation

(See Attached Schedule CTO-1)

Dear Ms. Whyte:

I am enclosing one certified copy and additional copies of a conditional transfer order filed by the Panel in the actions listed on the attached schedule on January 12, 2005. The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred." As stipulated in Rule 7.4(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435 (2001), transmittal of the order has been stayed 15 days to give any party an opportunity to oppose the transfer if they wish to do so. The 15-day period has now elapsed, no opposition was received, and the order is directed to you for filing.

A list of involved counsel is attached.

Very truly,

Michael J. Beck
Clerk of the Panel

By _____
Deputy Clerk

Attachments

cc: Transferee Judge: Judge Sarah S. Vance
Transferor Judges: (See Attached List of Judges)
Transferor Clerks: (See Attached List of Clerks)